

Article 2. Criteria for Identifying the Characteristics of Hazardous Waste**§66261.10. Criteria for Identifying the Characteristics of Hazardous Waste.**

(a) The Department shall identify and define a characteristic of hazardous waste in article 3 of this chapter only upon determining that:

(1) a waste that exhibits the characteristic may:

(A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(B) pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and

(2) the characteristic can be:

(A) measured by an available standardized test method which is reasonably within the capability of generators of waste or private sector laboratories that are certified by the Department pursuant to Chapter 44 of this division and available to serve generators of waste; or

(B) reasonably detected by generators of waste through their knowledge of their waste.

NOTE: Authority cited: Sections 208, 25141 and 25159, Health and Safety Code. Reference: Sections 25117, 25141, 25159 and 25159.5, Health and Safety Code and 40 CFR Section 261.10.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).